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IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH

AT BILASPUR

WRIT PETITION NO. 1946 /2006

PETITIONER

HARAK RAM DEWANGAN
S/o Shri Dhurvind Dewangan
Aged about 46 years,
Assistant Development Extension Officer, Narayanpur,
Distt- Bastar (C.G.)

P.R. No. 2006/06 Presented by Shri Kishore Dubey

Versus

RESPONDENTS

1. STATE OF CHHATTISGARH,
Through: The Secretary,
Department of Panchayat & Rural Development, D.K.S. Bhawan,
Mantralya Raipur, (C.G.).

2. DEVELOPMENT COMMISSIONER ,
Chhattisgarh, Raipur (C.G.)

3. Collector Bastar (C.G.)

4. Chief Executive Officer,
District Panchayat, Bastar (C.G.)

5. Chief Executive Officer,
Janpad Panchayat Narayanpur,
District- Bastar (C.G.)

RECEIVED COPY 12.4.06 CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT(S) OR ORDER(S) OR DIRECTION(S)

XI-HC-22

28

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 1946/ सन् 2006

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

24-4-2006

Mr. V.C. Sharma, Advocate with Mr. H.C. Shukla, counsel for the petitioner.

Miss Depali Pandey, Panel Lawyer for the State/respondents.

Heard both the counsel.

By this writ petition under Article 226/227 of the Constitution of India, the petitioner has questioned legality, propriety and correctness of the order dated 22-3-2006 (Annexure P-1) passed by respondent No.1, whereby the petitioner has been transferred from Narayanpur/Bastar under the jurisdiction of District Panchayat: Dantewada.

The main grievance of the petitioner in this writ petition is that the petitioner was working on the post of Assistant Development Extension Officer at Narayanpur since 21-2-1991 and that is the scheduled area. Prior to that also from inception i.e. from the date of appointment, the petitioner was working at Kondagaon which is also a scheduled area. As per para 3 of the Government policy dated 20-10-2005 in respect of transfers of employees, if any Government servant has served in a scheduled area for a minimum period of five years, he is entitled for posting at the place of his choice. In spite of rendering service for a period of 23 years in scheduled area, before transferring the petitioner to Dantewada vide the impugned order, no such option was sought for and the impugned order has been passed without taking into consideration the Government policy dated 20-10-2005 regarding the transfer. Further grievance of the petitioner is that vide order dated 20th May, 2005, passed by the General Administration Department, Govt. of Chhattisgarh, there was a ban of transfers in the year 2005-2006 and as per that ban without

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.1946/ सन् 2006

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

seeking prior permission of the Chief Minister, no transfer could have been effected.

Learned counsel for the petitioner submitted that since the transfer has been effected in violation of the above policy decision of the Government, therefore, the petitioner may be allowed to make a representation to respondent No.1 and till the decision is taken by respondent No.1, the petitioner's transfer be stayed, to which learned counsel appearing for the State/respondents has no objection.

As the prayer made by learned counsel for the petitioner is just, fair and reasonable, therefore, the petitioner is allowed to make a representation to respondent No.1 raising his grievances, as has been argued by learned counsel for the petitioner, within a period of ten days from today and on receipt of the representation, respondent No.1 shall decide the same considering all the grievances raised by the petitioner in an objective manner within a period of 30 days from the date of receipt of the representation. Till such decision is taken, the petitioner shall not be relieved from the place of posting.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P.No.1486/2006 also stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

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28.4.06
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